IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GLEN RAVEN, INC. Plaintiff, v. POLARTEC, LLC, Defendant.	Civil Action No. 1:11-cv-853 **COMPLAINT** **(JURY TRIAL DEMANDED)**

Plaintiff Glen Raven, Inc. complains of defendant Polartec, LLC as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Glen Raven, Inc. ("Glen Raven") is a corporation organized under the laws of the State of North Carolina, with its principal place of business in Glen Raven, North Carolina.

2. Upon information and belief, Polartec, LLC ("Polartec") is a corporation organized under the laws of the State of Delaware, with a place of business located at 46 Stafford Street, Lawrence, Massachusetts 01841 and a registered agent for service of process entitled: Precision Corporate Services, Inc., 10 Milk Street, Suite 1055, Boston, Massachusetts 02168.

3. Upon information and belief, Polartec manufactures, markets, and sells various performance fabrics that compete directly with products offered by Glen Raven.

4. Upon information and belief, Polartec advertises its products on a website, www.polartec.com, and in product literature.

5. Upon information and belief, Polartec sells and distributes its products, including the infringing products described herein, throughout the United States, throughout North Carolina, and in this judicial district.

6. This is an action for patent infringement arising under the United States patent laws. This Court has federal question jurisdiction over Glen Raven's patent infringement claims under 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over Defendant pursuant to N.C. Gen. Stat. 1-75.4, in that, upon information and belief, Defendant conduct substantial business activity in the State of North Carolina and in this judicial district and, in the course of such business activity, Defendant has engaged in the infringing and wrongful conduct described herein. Defendant has authorized dealers of their products in North Carolina, and Defendant's products are offered for sale throughout North Carolina.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

STATEMENT OF THE FACTS

9. Glen Raven is the owner of all rights, title and interest in United States Patent No. 6,787,228 ("'228 Patent"), entitled "Flame-resistant and high visibility fabric and apparel formed therefrom," which was duly and lawfully issued by the United States Patent and Trademark Office on September 7, 2004. A copy of the '228 Patent is attached hereto and incorporated herein by reference as Exhibit A.

10. Glen Raven recently discovered that high visibility safety shirts constructed of fabric that infringes the '228 Patent were being circulated in the marketplace (herein

"Infringing Shirt(s)"), and these shirts were constructed of infringing fabric originating from Polartec.

11. A sample Infringing Shirt was acquired and inspected by Glen Raven. The sample Infringing Shirt was constructed of fabric infringing the claims of the '228 Patent, including, but not limited to at least claims 1-3, 5- 6, 10-13, and 15-16.

12. The infringing fabric used in the construction of the Infringing Shirt was imported, manufactured, offered for sale, and/or sold by Polartec.

13. Glen Raven offers fabrics covered by the '228 Patent which compete directly with Polartec's infringing fabrics in the marketplace, including in North Carolina and this judicial district.

14. Polartec's unauthorized acts of importing, making, using, offering for sale, and/or selling the infringing fabric used in the Infringing Shirts constitutes infringement of the '228 Patent.

15. Polartec's unauthorized acts of importing, making, using, offering for sale, and/or selling the fabric used in the Infringing Shirts has already damaged Glen Raven, and upon information and belief, has already cost Glen Raven sales. Glen Raven will continue to be damaged unless Polartec's infringement is stopped.

COUNT I: PATENT INFRINGEMENT – U.S. Patent No. 6,787,228

16. Glen Raven incorporates herein by reference the allegations in the above paragraphs, as if alleged fully herein.

17. Polartec has imported, made, used, offered for sale, and/or sold in interstate commerce, without the authorization, consent or permission of Glen Raven, fabric that

infringes the ‘228 Patent.

18. Upon information and belief, at all times relevant to this action, Polartec has possessed actual knowledge of Glen Raven’s ‘228 Patent. Despite knowledge of the ‘228 Patent, Polartec nevertheless engaged in the infringing activities as described herein.

19. Upon information and belief, Polartec has actively induced and contributed to infringement of the ‘228 Patent by encouraging actual and potential customers to evaluate and use infringing fabric covered by claims in the ‘228 Patent.

20. Upon information and belief, Polartec’s infringement has been willful, intentional and deliberate, with knowledge of and in conscious disregard of the ‘228 Patent.

21. Polartec’s infringement of the ‘228 Patent has caused, and will continue to cause, damage and irreparable harm to Glen Raven unless Polartec’s continuing infringing activities are enjoined by this Court.

22. Glen Raven has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Glen Raven respectfully prays that this Court grant the following relief:

1. That the Court preliminarily and permanently enjoin Polartec from making, using, assembling, importing, selling or offering for sale, or inducing others to make, use, sell or offer for sale, fabric and/or products that infringe the ‘228 Patent;

2. That Glen Raven have and recover damages from Polartec pursuant to 35 U.S.C. § 284, including interest from the date of first infringement;

3. For an award of enhanced damages up to three times the amount of the compensatory damage award pursuant to 35 U.S.C. § 284;

4. That the Court tax Polartec with Glen Raven's reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

5. That the Court tax Polartec with all costs of this action;

6. That the Court order the impounding and destruction of all products in Polartec's possession, custody or control that infringe the '228 Patent, and of all products that can be used to make or advertise the infringing products;

7. A jury trial on all matters so triable; and

8. Such other and further relief as the Court deems just and proper.

This the 12th day of October, 2011.

/s/ Robert D. Mason, Jr.
Robert D. Mason, Jr. (N.C. BAR NO. 29337)
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